



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
www.ut.blm.gov

IN REPLY REFER TO:
3809
(U-055)
UTU-70593

CERTIFIED MAIL 7099 3220 0003 0715 7823
RETURN RECEIPT REQUESTED

June 25, 2004

Lon Thomas
Star Stone Quarries, Inc.
4040 South 300 West
Salt Lake City, Utah 84107

Dear Mr. Thomas:

Your notice, UTU-70593, was extended for two years on January 10, 2003. On March 17, 2003 the State of Utah, Division of Oil, Gas and Mining conducted a survey of your quarry and measured 7 acres of surface disturbance associated with this operation. This is a significant material change from the notice you filed with this office. If you wish to continue operations you must file a plan of operations pursuant to 43 CFR 3809.401 within 30 days from receipt of this letter. The performance standards outlined in 43 CFR 3809.420 and the financial guarantee requirements provided in 43 CFR 3809.500 et seq., apply to both notices and plans of operation. The plan of operations must be approved and a financial guarantee accepted prior to any additional earth disturbing activities occurring at this site.

In our June 27, 2002, letter to you, we stated our belief that the stone mined at your quarry is a common variety. The regulations, 43 CFR 3809.101 (a), require BLM to prepare a mineral examination report to determine if the minerals being mined are common variety minerals. The operator may not initiate mining activity until completion of this report unless an escrow account is established in accordance with 43 CFR 3809.101 (b) (3). Regular payments must be made to the escrow account for the appraised value of possible common variety minerals removed under a payment schedule approved by BLM. This must continue until a final determination of whether or not the mineral is a common variety.

If you establish an escrow account in a form acceptable to BLM and make regular payments to it for the appraised value of possible common variety minerals removed under a payment schedule approved by BLM, we will allow you to continue operations on the original acreage authorized under UTU-70593 while we complete an environmental assessment of your plan of operations.

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DIV. OF OIL, GAS & MINING

An interim price of \$10.00 per ton shall be paid to the escrow account until an appraised value is determined.

In addition, you have a camper-trailer, two trucks, a saw and other equipment on site. This constitutes occupancy. If you are proposing a use that would involve occupancy you must include in the proposed plan of operations the materials required by 43 CFR 3715.3-2 describing any proposed occupancy for BLM review concurrently with review of the plan of operations.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Richfield Field Office, 150 East 900 North, Richfield, Utah 84701) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

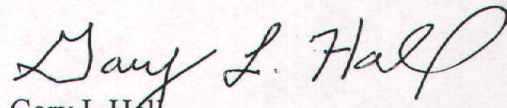
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions please contact Francis Rakow at (435) 542-3461.

Sincerely,

A handwritten signature in cursive script that reads "Gary L. Hall".

Gary L Hall
Assistant Field Manager

Enclosures:

43 CFR 3715, 43 CFR 3809, 43 CFR 4.21 and 4.413
Form 1842-1

cc: Wayne Hedberg, DOGM (S/055/016)

bcc: T. Snyder, (UT-923)